

# PATENT COOPERATION TREATY

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REC'D 17 MAR 2004

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Rec'd PCT/EP 06 JUL 2004

Applicant's or agent's file reference XA1615	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 02/05789	International filing date (day/month/year) 19.12.2002	Priority date (day/month/year) 09.01.2002
International Patent Classification (IPC) or both national classification and IPC G02B6/50		
Applicant BAE SYSTEMS PLC		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  10.07.2003	Date of completion of this report  18.03.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Faderl, I  Telephone No. +31 70 340-3455  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 02/05789**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-6 as originally filed

**Claims, Numbers**

1-11 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US-A-5 825 963 (BURGETT MARK EDWARD) 20 October 1998

D2: US-A-5 807 026 (VALETTE JEAN-MARC) 15 September 1998

D3: WO 98 15857 A (TYCO SUBMARINE SYSTEMS LTD) 16 April 1998

2.1 The present set of claims does not fulfill the requirement of Art 6, PCT because claim 1 is unclear.

2.2 The splice chamber is not directly coupled to the launch platform but mounted between the outboard end of a hosepipe connected to a launch platform and to an underwater vehicle (see description page 3, lines 17-21).

2.3 Therefore, the introductive portion of claim 1 is unclear and should have been corrected, like for example "a splice chamber, which is provided for accommodating and protecting a splice and an excess of optical cable, mounted between the outboard end of a hosepipe and an underwater vehicle, the hosepipe being connected on the other end to a launch platform". Moreover "means for attaching the chamber to the launch platform" include also the hosepipe. It is not clear whether the hosepipe is part of the invention.

2.4 The wording "Means for separating the two half portions of the chamber" describes the result to be achieved rather than the necessary elements. In principle, the invention consists of a splice chamber having a particular release device (see description page 3, paragraph 1). Upon the underwater vehicle removing the collar by rupturing the shear pin, the splice chamber opens automatically in order to pay out to the optical cable from storage space. Therefore the "spring", the "bellmouth", the "lip" and "member (40)" as well as the "inner and outer housing" are essential elements in order to assure this function. The technical features necessary for achieving the separation of the two halves should have been included in claim 1.

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2.5 The wording "Means for attaching the chamber to the underwater vehicle" also designates a result to be achieved. In the description, a precise expression can be found: the neck portion of the splice chamber is connected to the underwater vehicle via a collar and a shear pin (see description page 5, lines 27-29). Claim 1 should have been amended in this sense in order to comply with conciseness requested by Article 6 PCT.

3. As the claims in the present form are not clear, documents D1, D2 and D3 have to be considered to be novelty-destroying for all claims.